

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 3/18/2020

JESSE WARD,

Plaintiff,

-against-

MUSICLIFE ENTERTAINMENT  
GROUP, LLC,  
GENTLES CERATIVE GROUP, INC.,

Defendants.

1:18-cv-08457-MKV

ORDER OF  
DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

After commencing this action on September 17, 2018 [ECF #1], Plaintiff filed an amended complaint on December 5, 2018 [ECF #12 (“Amended Complaint”)]. Plaintiff served Defendant Gentles Creative Group, Inc. with a summons and a copy of the Amended Complaint on December 14, 2018 [*see* ECF #17, 26]. Plaintiff also served Defendant MusicLife Entertainment Group, LLC with a summons and a copy of the Amended Complaint on January 7, 2019 [*see* ECF #18, 26]. Defendants never appeared or responded. And, on February 21, 2019, the Clerk of Court entered a certificate of default against both Defendants [ECF #26]. But more than a year has elapsed since the Certificate of Default was issued, and Plaintiff has not moved for a default judgment, nor made any other effort to prosecute this case and obtain relief. Accordingly, it is hereby:

ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court’s calendar if the application to restore the action is made by **April 18, 2020**. If no such application is made by that date, today’s dismissal of the action is with prejudice. *See LeSane v. Hall’s Sec. Analyst*,

*Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

**Date: March 18, 2020**  
**New York, NY**

Mary Kay Vyskocil  
**MARY KAY VYSKOCIL**  
**United States District Judge**